

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 567

House Bill No. 273*

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 34-11-113, is amended by inserting the following new subsections immediately after subsection (a) and renumbering the existing subsection accordingly:

(b) Upon approval by the court, either prior to or after payment, the fiduciary may also pay such other reasonable amounts from the property of the minor or disabled person that are incurred by the fiduciary in good faith on behalf of the minor or disabled person, and are intended to benefit or protect the minor or disabled person or his or her property, whether or not an actual benefit or protection is ultimately in fact attained. Such payments may be approved by the court even if they are made to the guardian or personally benefit the guardian so long as the expenditure is used to change the physical surroundings of the minor or disabled person in a manner intended to allow the guardian to provide better care for the minor or disabled person.

(c) All other expenses, including those that do not comply with the requirements of subsection (b), may be approved by the court, either prior to or after payment, upon a determination that they are reasonable and (i) that they protected or benefited the minor or disabled person or his or her property or (ii) that their payment is in the best interest of the minor or disabled person.

(d) For purposes of subsection (a), attorneys' fees shall include fees for preparing attorney fee applications and other related filings that are required to

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be submitted to the court including petitions to secure approval or reimbursement for any expenses paid by the fiduciary which are authorized or required to be approved by the court under this section, provided that the amount of such fees are determined by the court to be reasonable in view of the services rendered.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all appropriate expenditures incurred for the benefit of a minor or disabled person relative to guardianships created before, on or after such effective date.

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